

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Kenta Hawkins,

Plaintiff,

Case No. 20-10990

v.

Judith E. Levy

United States District Judge

Michigan Department of
Corrections,

Mag. Judge R. Steven Whalen

Defendant.

_____/

**ORDER GRANTING MOTIONS TO WITHDRAW AS COUNSEL
FOR PLAINTIFF KENTA HAWKINS [27, 31] AND DENYING
PLAINTIFF'S MOTION FOR A HEARING, STAY OF
PROCEEDINGS, AND OBJECTING TO DEFENDANT'S
REQUEST FOR A SECOND DEPOSITION AS MOOT [32]**

This case is before the Court on Attorney Daimeon Cotton's motion to withdraw as counsel for Plaintiff Kenta Hawkins (ECF No. 27), as well as Plaintiff's motion to allow Attorney Cotton to withdraw. (ECF No. 31.) Defendant Michigan Department of Corrections filed a response indicating that it does not oppose Attorney Cotton's request to withdraw but requests the Court set a status conference after Plaintiff has obtained

new counsel to discuss discovery matters and the current scheduling order. (ECF No. 28)

Additionally, Plaintiff filed a motion for a hearing, stay of proceedings, and objecting to Defendant's request for a second deposition. (ECF No. 32.) Plaintiff sought a hearing regarding the pending motions to withdraw as counsel as well as a stay of the case. (*Id.* at PageID.324.) Because the motions to withdraw Attorney Cotton as counsel have been granted and a stay has been entered, Plaintiff's request for a hearing is MOOT.¹

For the reasons set forth above, Attorney Cotton's motion to withdraw as counsel and Plaintiff's motion to withdraw Attorney Cotton as counsel are GRANTED. (ECF Nos. 27, 31.) Plaintiff's motion for a

¹ Furthermore, the Court's practice guidelines require the parties to follow the discovery dispute protocol as set forth therein; discovery motions filed without leave of the Court will be stricken as noncompliant. *See Judge Judith E. Levy*, United States District Court for the Eastern District of Michigan (December 20, 2021),

<https://www.mied.uscourts.gov/index.cfm?pageFunction=chambers&judgeid=44> [https://perma.cc/Q5MV-VD4S]. Accordingly, to the extent Plaintiff's motion seeks to resolve a discovery dispute, the motion is STRICKEN for failure to comply with the Court's practice guidelines.

hearing, stay of proceedings, and objecting to Defendant's request for a second deposition is DENIED AS MOOT. (ECF No. 32.)

Additionally, the case will be stayed for 45 days to allow Plaintiff to obtain new counsel or to determine if she will proceed *pro se*. Within forty-five days of the entry of this Order, Plaintiff must indicate to the Court whether she (a) has retained new counsel by having a lawyer file an appearance on her behalf or (b) wishes to proceed *pro se*. If Plaintiff does not contact the Court within forty-five days, the Court will presume that Plaintiff no longer wishes to pursue her case, and the Court will dismiss the case with prejudice. Once Plaintiff has contacted the Court within that forty-five day period, the Court will schedule a status conference.

IT IS SO ORDERED.

Dated: December 20, 2021
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First-Class U.S. mail addresses disclosed on the Notice of Electronic Filing on December 20, 2021.

s/William Barkholz
Case Manager